

HR 1775 IH

106th CONGRESS

1st Session

H. R. 1775

To catalyze restoration of estuary habitat through more efficient financing of projects and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

May 12, 1999

Mr. GILCHREST (for himself, Mrs. TAUSCHER, Mr. FORBES, Mr. GOSS, Mr. BILBRAY, Mr. SHAYS, Mr. CARDIN, Mr. PRICE of North Carolina, Mrs. MORELLA, Mr. SAXTON, Mr. FOLEY, Mr. BENTSEN, Mr. MCDERMOTT, Mr. METCALF, Mr. SMITH of Washington, Mr. GREENWOOD, Mr. INSLEE, Mr. DICKS, Ms. DELAURO, Mrs. LOWEY, Mr. ENGLISH, Mrs. KELLY, Mr. TAUZIN, and Mr. LAMPSON) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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**A BILL**

To catalyze restoration of estuary habitat through more efficient financing of projects and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE- This Act may be cited as the 'Estuary Habitat Restoration Partnership Act of 1999'.

(b) TABLE OF CONTENTS-

Sec. 1. Short title; table of contents.

**TITLE I--ESTUARY HABITAT RESTORATION**

Sec. 101. Findings.

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Sec. 109. Monitoring and maintenance of estuary habitat restoration projects.

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## **TITLE II--CHESAPEAKE BAY PROGRAM**

Sec. 201. Reauthorization of Chesapeake Bay Program.

## **TITLE I--ESTUARY HABITAT RESTORATION**

### **SEC. 101. FINDINGS.**

Congress finds that--

- (1) estuaries provide some of the most ecologically and economically productive habitat for an extensive variety of plants, fish, wildlife, and waterfowl;
- (2) the estuaries and coastal regions of the United States are home to one-half the population of the United States and provide essential habitat for 75 percent of the Nation's commercial fish catch and 80 to 90 percent of its recreational fish catch;
- (3) estuaries are gravely threatened by habitat alteration and loss from pollution, development, overuse, sea level rise, and the introduction of harmful nonindigenous species;
- (4) successful restoration of estuaries demands the coordination of Federal, State, and local estuary habitat restoration programs; and
- (5) the Federal, State, local, and private cooperation in estuary habitat restoration activities in existence on the date of enactment of this Act should be strengthened and new public and public-private estuary habitat restoration partnerships and strategies established.

### **SEC. 102. PURPOSES.**

The purposes of this Act are--

- (1) to promote the restoration of 1,000,000 acres of estuary habitat by 2010;

- (2) to develop strategies to obtain national and regional objectives for estuary habitat restoration;
- (3) to foster coordination of Federal, State, and community estuary habitat restoration programs, plans, and studies;
- (4) to establish effective estuary habitat restoration partnerships among public agencies at all levels of government and between the public and private sectors;
- (5) to promote efficient financing of estuary habitat restoration activities; and
- (6) to develop and enhance monitoring and research capabilities to ensure that estuary habitat restoration efforts are based on sound scientific understanding.

### **SEC. 103. DEFINITIONS.**

In this Act, the following definitions apply:

- (1) **COUNCIL**- The term 'Council' means the Estuary Habitat Restoration Council established by section 104.
- (2) **DEGRADED ESTUARY HABITAT**- The term 'degraded estuary habitat' means estuary habitat where natural ecological functions have been impaired and normal beneficial uses have been reduced.
- (3) **ESTUARY**- The term 'estuary' means a part of a river or stream or other body of water that has an unimpaired connection with the open sea and where the sea water is measurably diluted with fresh water derived from land drainage.
- (4) **ESTUARY HABITAT**-
  - (A) **IN GENERAL**- The term 'estuary habitat' means the physical, biological, and chemical elements associated with an estuary, including the complex of physical and hydrologic features and living organisms within the estuary and associated ecosystems.
  - (B) **INCLUDED HABITAT**- The term 'estuary habitat' includes salt and fresh water coastal marshes, coastal forested wetlands and other coastal wetlands, maritime forests, coastal grasslands, tidal flats, natural shoreline areas, shellfish beds, sea grass meadows, kelp beds, river deltas, river and stream banks under tidal influence, and beds of submerged aquatic vegetation.
- (5) **ESTUARY HABITAT RESTORATION ACTIVITY**-
  - (A) **IN GENERAL**- The term 'estuary habitat restoration activity' means an activity that results in improving degraded estuary habitat (including both physical and functional restoration), with the goal of attaining a self-sustaining system integrated into the surrounding landscape.
  - (B) **INCLUDED ACTIVITIES**- The term 'estuary habitat restoration activity' includes--

- (i) the reestablishment of physical features and biological and hydrologic functions;
- (ii) except as provided in section 107(e), the cleanup of contamination related to the restoration of estuary habitat;
- (iii) the control of nonnative and invasive species;
- (iv) the reintroduction of native species through planting or natural succession; and
- (v) other activities that improve estuary habitat.

(6) ESTUARY HABITAT RESTORATION PROJECT- The term 'estuary habitat restoration project' means an estuary habitat restoration activity under consideration or selected by the Council, in accordance with this Act, to receive financial, technical, or another form of assistance.

(7) ESTUARY HABITAT RESTORATION STRATEGY- The term 'estuary habitat restoration strategy' means the estuary habitat restoration strategy developed under section 106.

(8) ESTUARY MANAGEMENT OR HABITAT RESTORATION PLAN- The term 'estuary management or habitat restoration plan' means any plan for restoration of degraded estuary habitat that--

(A) was developed by, or in cooperation with, a public body with the substantial participation of appropriate public and private stakeholders; and

(B) reflects a community-based planning process.

(9) GULF REGION- The term 'Gulf region' means the region consisting of the States of Florida, Alabama, Mississippi, Louisiana, and Texas.

(10) MIDDLE ATLANTIC REGION- The term 'Middle Atlantic region' means the region consisting of the States of New Jersey, Delaware, Maryland, Pennsylvania, and Virginia.

(11) NORTHEAST REGION- The term 'Northeast region' means the region consisting of the States of Maine, New Hampshire, New York, Massachusetts, Rhode Island, and Connecticut.

(12) NORTHWEST REGION- The term 'Northwest region' means the region consisting of the States of Oregon, Washington, and Alaska.

(13) REGIONAL COUNCIL- The term 'Regional Council' means a Regional Council of the Estuary Habitat Restoration Council established by section 105.

(14) SECRETARY- The term 'Secretary' means the Secretary of the Army (or the Secretary's designee).

(15) SOUTHEAST REGION- The term 'Southeast region' means the region consisting of the States of North Carolina, South Carolina, Georgia, and Florida.

(16) SOUTHWEST REGION- The term 'Southwest region' means the region consisting of the States of California and Hawaii.

## **SEC. 104. ESTABLISHMENT OF ESTUARY HABITAT RESTORATION COUNCIL.**

(a) COUNCIL- There is established a council to be known as the 'Estuary Habitat Restoration Council'.

(b) DUTIES- The Council shall be responsible for--

- (1) reviewing project applications forwarded to the Council from the Regional Councils and selecting from the project applications projects that are eligible for assistance made available under this Act;
- (2) developing a national strategy for restoration of estuary habitat; and
- (3) periodically reviewing the effectiveness of the national strategy in meeting the purposes of this

Act, and making recommendations for improvements in the national strategy.

(c) MEMBERSHIP- The Council shall be composed of 12 members as follows:

- (1) The Secretary (or the Secretary's designee).
- (2) The Under Secretary for Oceans and Atmosphere of the Department of Commerce (or the Under Secretary's designee).
- (3) The Administrator of the Environmental Protection Agency (or the Administrator's designee).
- (4) The Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service (or the Secretary's designee).
- (5) The Secretary of Agriculture (or the Secretary's designee).
- (6) The Secretary of Transportation (or the Secretary's designee).
- (7) One representative from each of the 6 Regional Councils established under section 105 to be appointed by the Secretary from among individuals who are not officers or employees of the United States.

(d) APPOINTMENT AND TERMS-

- (1) IN GENERAL- Except as provided in paragraph (2), members of the Council under subsection (c)(7) shall be appointed for a term of 3 years.

(2) INITIAL MEMBERS- Of the members first appointed under subsection (c)(7)--

(A) 2 shall be appointed for a term of 1 year;

(B) 2 shall be appointed for a term of 2 years; and

(C) 2 shall be appointed for a term of 3 years.

(3) VACANCIES- Whenever a vacancy occurs among members of the Council appointed under subsection (c)(7), the Secretary shall appoint an individual in accordance with such subsection to fill that vacancy for the remainder of the applicable term.

(e) PROHIBITION OF COMPENSATION- Members of the Council may not receive compensation for their service as members of the Council.

(f) NONVOTING MEMBERS- The Secretary is authorized and encouraged to include as nonvoting members of the Commission representatives of nonprofit charitable organizations and Native American interests, including tribal organizations, that undertake estuary habitat restoration activities.

(g) CHAIRPERSON- The chairperson shall be elected by the Council from among its members for a 3-year term, except that the first elected chairperson may serve a term of less than 3 years.

(h) CONVENING OF COUNCIL- The chairperson shall--

(1) convene the first meeting of the Council not later than 30 days after the date of enactment of this Act; and

(2) convene additional meetings as often as appropriate to ensure that this Act is fully carried out, but not less often than annually.

(i) COUNCIL PROCEDURES-

(1) QUORUM- A majority of the voting membership of the Council shall constitute a quorum for the transaction of business.

(2) VOTING AND MEETING PROCEDURES- The Council shall establish procedures for voting and the conduct of meetings by the Council.

(3) PUBLIC PARTICIPATION- Council meetings shall be open to the public. The Council shall provide notice to the public of such meetings.

(4) REMOVAL OF MEMBERS- If a Council member appointed under subsection (c)(7) misses 3 consecutive regularly scheduled meetings, the Secretary may remove that individual in accordance with subsection (d)(3).

(j) COORDINATOR- The Secretary shall appoint a Coordinator who shall--

(1) be educated and experienced in estuary protection, restoration, and program management;

(2) be responsible, with assistance from the Secretary, for facilitating consideration of estuary habitat restoration projects by the Council and Regional Councils and otherwise assisting the Council and Regional Councils in carrying out their responsibilities under this Act; and

(3) be compensated with funds available under section 110(b).

## **SEC. 105. ESTABLISHMENT OF REGIONAL COUNCILS.**

(a) **REGIONAL COUNCILS-** There are established 6 Regional Councils of the Estuary Restoration Council. Each Regional Council shall represent a different one of the following regions:

(1) The Gulf region.

(2) The Middle Atlantic region.

(3) The Northeast region.

(4) The Northwest region.

(5) The Southeast region.

(6) The Southwest region.

(b) **MEMBERSHIP-** A Regional Council shall be composed of the Governor of each State in the region represented by the Regional Council (or the Governor's designee) and such other members as the Governors shall jointly designate.

(c) **NONVOTING MEMBERSHIP-** A Regional Council may appoint nonvoting members of the Regional Council from relevant agencies, programs, and organizations, including--

(1) relevant State agencies and regional and field staff of relevant Federal agencies;

(2) representatives of relevant coastal and estuary programs, such as those developed according to the Coastal Zone Management Program and the National Estuary Program; and

(3) representatives of nonprofit and charitable organizations that undertake estuary habitat restoration activities.

(d) **CHAIRPERSON-** A Regional Council shall select a chairperson from among its members.

(e) **DUTIES-** A Regional Council shall be responsible for--

(1) developing a regional strategy that is consistent with the national strategy for the selection and prioritization of project proposals within the region;

(2) establishing technical criteria for project proposals, which are consistent with the goals and priorities of the regional and national strategies;

(3) soliciting, evaluating, and forwarding to the Council applications for estuary habitat restoration projects; and

(4) periodically reviewing the effectiveness of the regional strategy toward meeting the goals and objectives of the national strategy and recommending and implementing improvements.

(f) **TECHNICAL SUPPORT-** Technical support shall be provided to a Regional Council by regional and field staff of the Corps of Engineers, the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, the United States Fish and Wildlife Service, and the Department of Agriculture. The Secretary shall coordinate the provision of such assistance.

(g) **ADMINISTRATIVE SUPPORT SERVICES-** Upon the request of a Regional Council, the Secretary shall provide to the Regional Council the administrative support services necessary for the Regional Council to carry out its responsibilities under this Act.

## **SEC. 106. ESTUARY HABITAT RESTORATION STRATEGY.**

(a) **IN GENERAL-** Not later than 1 year after the date of enactment of this Act, the Council, in consultation with State and other non-Federal entities, including nonprofit entities, as appropriate, shall develop an estuary habitat restoration strategy designed to ensure a comprehensive approach to maximize benefits derived from estuary habitat restoration projects and to foster the coordination of Federal and non-Federal activities related to restoration of estuary habitat.

(b) **INTEGRATION OF ESTUARY HABITAT RESTORATION PLANS, PROGRAMS, AND PARTNERSHIPS-** In developing the estuary habitat restoration strategy, the Council shall--

(1) conduct a review of--

(A) estuary management or habitat restoration plans; and

(B) Federal programs established under other laws that authorize funding for estuary habitat restoration activities;

(2) develop a set of proposals for--

(A) using programs established under this Act or any other Act to maximize the incentives for the creation of new public-private partnerships to carry out estuary habitat restoration projects; and

(B) using Federal resources to encourage increased private sector involvement in estuary habitat restoration activities; and

(3) ensure that the estuary habitat restoration strategy is developed and will be implemented in a manner that is consistent with the estuary management or habitat restoration plans.

(c) **ELEMENTS TO BE CONSIDERED-** Consistent with the requirements of this section, the Council in the development of the estuary habitat restoration strategy, shall consider--

(1) the contributions of estuary habitat to--



(A) providing healthy ecosystems in order to support--

(i) wildlife, including endangered and threatened species, migratory birds, and resident species of an estuary watershed; and

(ii) fish and shellfish, including commercial and recreational fisheries;

(B) surface and ground water quality and quantity, and flood control;

(C) outdoor recreation and other direct and indirect values; and

(D) other areas of concern that the Council determines to be appropriate for consideration;

(2) the estimated historic losses, estimated current rate of loss, and extent of the threat of future loss or degradation of each type of estuary habitat; and

(3) the most appropriate method for selecting a balance of smaller and larger estuary habitat restoration projects.

(d) **ADVICE-** The Council shall seek the advice of experts in restoration of estuary habitat to assist in the development of an estuary habitat restoration strategy.

(e) **PUBLIC REVIEW AND COMMENT-** Before adopting a final estuary habitat restoration strategy, the Council shall publish in the Federal Register a draft of the estuary habitat restoration strategy and provide an opportunity for public review and comment.

(f) **PERIODIC REVISION-** Using data and information developed through project monitoring, management, and other relevant information, the Council shall periodically review and update, as necessary, the estuary habitat restoration strategy.

## **SEC. 107. APPLICATIONS FOR ESTUARY HABITAT RESTORATION PROJECTS.**

(a) **IN GENERAL-** An application for an estuary habitat restoration project shall originate from a State or other non-Federal entity and shall require the approval of the appropriate State or local agencies, if such approval is required under State or local laws.

(b) **REVIEW BY REGIONAL COUNCILS-**

(1) **IN GENERAL-** An application for an estuary habitat restoration project shall first be submitted to the appropriate Regional Council for review.

(2) **TECHNICAL ASSISTANCE-** A Regional Council receiving an application from an applicant under paragraph (1) shall provide, as necessary, technical assistance to the applicant to ensure that the application is complete.

(3) **SELECTION-** A Regional Council shall select for each fiscal year those applications for estuary habitat restoration projects that the Regional Council determines are eligible for funding under the factors specified in subsection (c) and shall transmit such applications to the

Council for further review.

(4) **CONSIDERATION BY COUNCIL-** The Council may provide financial assistance to an estuary habitat restoration project under this Act only if the

project has been transmitted to the Council by a Regional Council under paragraph (3).

(c) **FACTORS TO BE TAKEN INTO ACCOUNT-** In determining the eligibility of an estuary habitat restoration project for financial assistance under this Act, the Council shall consider the following factors:

(1) Whether the proposed estuary habitat restoration project meets the criteria specified in the estuary habitat restoration strategy.

(2) The technical merit and feasibility of the proposed estuary habitat restoration project.

(3) Whether the non-Federal entities proposing the estuary habitat restoration project provide satisfactory assurances that they will have adequate personnel, funding, and authority to carry out and properly maintain the estuary habitat restoration project.

(4) Whether the proposed estuary habitat restoration project will encourage the increased coordination and cooperation of Federal, State, and local government agencies.

(5) The amount of private funds or in-kind contributions for the estuary habitat restoration project.

(6) Whether the proposed habitat restoration project includes a monitoring plan that is consistent with standards for monitoring developed under section 109 to ensure that short-term and long-term restoration goals are achieved.

(7) Other factors that the Council determines to be reasonable and necessary for consideration.

(d) **PRIORITY ESTUARY HABITAT RESTORATION PROJECTS-** An estuary habitat restoration project shall be given a higher priority in receipt of funding under this Act if, in addition to meeting the selection criteria established by the Council--

(1) the estuary habitat restoration project is part of an estuary management or habitat restoration plan; or

(2) there is a program within the watershed of the estuary habitat restoration project that addresses sources of pollution and other activities that otherwise would re-impair the restored habitat.

(e) **EXCLUDED ACTIVITIES-** An activity shall not be considered to be an estuary habitat restoration activity under this Act if the activity--

(1) constitutes mitigation for the adverse effects of an activity regulated or otherwise governed by Federal or State law; or

(2) constitutes restoration for natural resource damages required under any Federal or State

law.

## **SEC. 108. ADMINISTRATIVE PROVISIONS.**

(a) COOPERATIVE AGREEMENTS; MEMORANDA OF UNDERSTANDING- In carrying out this Act, the Council may--

- (1) enter into cooperative agreements with Federal, State, and local government agencies and other entities; and
- (2) execute such memoranda of understanding as are necessary to reflect the agreements.

(b) DISTRIBUTION OF APPROPRIATIONS FOR ESTUARY HABITAT RESTORATION ACTIVITIES- The Secretary shall allocate funds made available to carry out this Act based on the need for the funds and such other factors as are determined to be appropriate to carry out this Act.

(c) COST SHARING OF ESTUARY HABITAT RESTORATION PROJECTS-

(1) IN GENERAL- No financial assistance in carrying out an estuary habitat restoration project shall be available under this Act from any Federal agency unless the non-Federal applicant for assistance demonstrates that the estuary habitat restoration project meets--

(A) the requirements of this Act; and

(B) any criteria established by the Council under this Act.

(2) FEDERAL SHARE- The Federal share of the cost of an estuary habitat restoration and protection project assisted under this Act shall not exceed 65 percent.

(3) NON-FEDERAL SHARE- The non-Federal share of the cost of an estuary habitat restoration project may be provided in the form of land, easements, rights-of-way, services, or any other form of in-kind contribution determined by the Council to be an appropriate contribution equivalent to the monetary amount required for the non-Federal share of the estuary habitat restoration project.

(d) INTERIM ACTIONS-

(1) IN GENERAL- Pending completion of the estuary habitat restoration strategy developed under section 106, the Council may pay the Federal share of the cost of an interim action to carry out an estuary habitat restoration activity.

(2) FEDERAL SHARE- The Federal share of the cost of an estuary habitat restoration activity assisted under this Act before the completion of the estuary habitat restoration strategy shall not exceed 25 percent.

(e) COOPERATION OF NON-FEDERAL PARTNERS-

(1) IN GENERAL- The Council shall not select an estuary habitat restoration project until a non-Federal interest has entered into a written agreement with the Secretary in which the non-Federal interest agrees to provide the required non-Federal cooperation for the project.

(2) **NONPROFIT ENTITIES-** Notwithstanding section 221 of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)), for any project undertaken under this section, the Secretary may, after coordination with the appropriate State and local officials responsible for the political jurisdiction in which a project would occur, allow a nonprofit entity to serve as the non-Federal interest.

(3) **MAINTENANCE AND MONITORING-** A cooperation agreement entered into under paragraph (1) shall provide for maintenance and monitoring of the estuary habitat restoration project to the extent determined necessary.

(f) **AGENCY CONSULTATION AND COORDINATION-** In carrying out this Act, the Council shall, as the Council determines it to be necessary, consult with, cooperate with, and coordinate its activities with the activities of other Federal agencies.

(g) **BENEFITS AND COSTS OF ESTUARY HABITAT RESTORATION PROJECTS-** The Council shall evaluate the benefits and costs of estuary habitat restoration projects in accordance with section 907 of the Water Resources Development Act of 1986 (33 U.S.C. 2284).

(h) **ALLOCATION OF FUNDS BY STATES-** With the approval of the Secretary, a State may allocate to any local government, area-wide agency designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3334), regional agency, interstate agency, or nonprofit entity a portion of any funds disbursed in accordance with this Act for the purpose of carrying out an estuary habitat restoration project.

## **SEC. 109. MONITORING AND MAINTENANCE OF ESTUARY HABITAT RESTORATION PROJECTS.**

(a) **DATABASE OF RESTORATION PROJECT INFORMATION-** The Under Secretary for Oceans and Atmosphere of the Department of Commerce shall develop and maintain an appropriate database of information concerning estuary habitat restoration projects funded under this Act, including information on project techniques, project completion, monitoring data, and other relevant information.

(b) **MONITORING DATA STANDARDS-** The Council shall develop standard data formats for monitoring projects, along with requirements for types of data collected and frequency of monitoring.

(c) **REPORT-**

(1) **IN GENERAL-** The Council shall biennially submit a report to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure and the Committee on Resources of the House of Representatives on the results of activities carried out under this Act.

(2) **CONTENTS OF REPORT-** A report under paragraph (1) shall include--

(A) data on the number of acres of estuary habitat restored under this Act, including the number of projects approved and completed that comprise those acres;

(B) the percentage of restored estuary habitat monitored under a plan to ensure that short-term and long-term restoration goals are achieved;

(C) an estimate of the long-term success of varying restoration techniques used in carrying out estuary habitat restoration projects;

(D) a review of how the information described in subparagraphs (A) through (C) has been incorporated in the selection and implementation of estuary habitat restoration projects;

(E) a review of efforts made to maintain an appropriate database of restoration projects funded under this Act; and

(F) a review of the measures taken to provide the information described in subparagraphs (A) through (C) to persons with responsibility for assisting in the restoration of estuary habitat.

## **SEC. 110. FUNDING.**

### **(a) AUTHORIZATION OF APPROPRIATIONS-**

(1) ESTUARY HABITAT RESTORATION ACTIVITIES- There is authorized to be appropriated to the Secretary for estuary habitat restoration activities--

(A) \$40,000,000 for fiscal year 2001;

(B) \$50,000,000 for fiscal year 2002; and

(C) \$75,000,000 for each of fiscal years 2003 through 2005.

(2) MONITORING- There is authorized to be appropriated to the Under Secretary for Oceans and Atmosphere of the Department of Commerce for the acquisition, maintenance, and management of monitoring data on restoration projects funded under this Act, \$2,000,000 for each of fiscal years 2001 through 2005.

(b) SET-ASIDE FOR ADMINISTRATIVE EXPENSES OF THE COUNCIL AND REGIONAL COUNCILS- Not to exceed 3 percent of the amounts appropriated for a fiscal year under subsection (a)(1) or \$2,000,000, whichever is greater, may be used by the Secretary for administration and operation of the Council and Regional Councils.

## **SEC. 111. GENERAL PROVISIONS.**

(a) ADDITIONAL AUTHORITY FOR ARMY CORPS OF ENGINEERS- The Secretary may carry out estuary habitat restoration projects in accordance with this Act.

(b) INAPPLICABILITY OF CERTAIN LAW- Sections 203, 204, and 205 of the Water Resources Development Act of 1986 (33 U.S.C. 2231, 2232, and 2233) shall not apply to an estuary habitat restoration project selected in accordance with this Act.

(c) ESTUARY HABITAT RESTORATION MISSION- The Secretary shall ensure that restoration

of estuary habitat is included as a primary mission of the Corps of Engineers under section 306 of Water Resources Development Act of 1990 (33 U.S.C. 2316).

**(d) FEDERAL AGENCY FACILITIES AND PERSONNEL-**

(1) **IN GENERAL-** Federal agencies may cooperate in carrying out scientific and other programs necessary to carry out this Act, and may provide facilities and personnel, for the purpose of assisting the Council in carrying out its duties under this Act.

(2) **REIMBURSEMENT FROM COUNCIL-** Federal agencies may accept reimbursement from the Council for providing services, facilities, and personnel under paragraph (1).

(e) **ADMINISTRATIVE EXPENSES AND STAFFING-** Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress and the Secretary an analysis of the extent to which the Council needs additional personnel and administrative resources to fully carry out its duties under this Act. The analysis shall include recommendations regarding necessary additional funding.

**TITLE II--CHESAPEAKE BAY PROGRAM**

**SEC. 201. REAUTHORIZATION OF CHESAPEAKE BAY PROGRAM.**

Section 117(d) of the Federal Water Pollution Control Act (33 U.S.C. 1267(d)) is amended to read as follows:

'(d) **AUTHORIZATION OF APPROPRIATIONS-** There is authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 1991 through 2000 and \$30,000,000 for each of fiscal years 2001 through 2005, of which no more than \$3,000,000 is authorized to be appropriated for any such fiscal year to carry out subsection (a). Such sums shall remain available until expended.'

*END*